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Docket No.: 2038-297

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Toshio KOBAYASHI

U.S. Patent Application No. 10/666,732

Filed: September 22, 2003

For: NONWOVEN FABRIC AND PROCESS FOR MAKING THE SAME

: Confirmation No. 6067

: Group Art Unit: 1771

: Examiner: Elizabeth M. Cole

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

By Official Action mailed *May 31, 2005*, restriction to one of the following inventions is required:

Group I: Claims 1-5, drawn to an elastic nonwoven fabric, classified in class 442, subclass 329.

Group II: Claims 6-10, drawn to method of making a nonwoven fabric, classified in class 264, subclass various.

In response, Applicants hereby elect Group I, upon which *claims 1-5* are readable.

The election was made *with traverse* because the Examiner has failed to demonstrate why the hypothetical process mentioned in paragraph 2 of the Restriction Requirement can be

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regarded as a *materially* different process. Applicants are, therefore, not persuaded that a proper Restriction Requirement has been set forth.

The Restriction Requirement is further *traversed* because the search and examination of the entire application can be made without serious burden. Inventions II and I are related as process of making and product made. In the relevant art, i.e., fabric design and fabrication, references often describe both the fabric's structure and manufacturing method, as will be apparent to the Examiner upon conducting a search for prior art. Therefore, both Inventions I and II can be covered in a single search. Accordingly, Applicants respectfully submit that the search and examination of the entire application can be made without serious burden on the Examiner.

In view of the above, withdrawal of the Restriction Requirement and consideration of all claims pending in the instant application are believed appropriate and therefore courteously solicited.

Early examination on the merits is respectfully requested.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.


Respectfully submitted,

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